

**REMARKS**

Claims 1-5, 7-9, 11-13, 15-17 and 19 are pending. Claims 6, 10, 14, 18 and 20-22 have been canceled. Claims 2, 5, 8, 9, 13 and 17 have been amended. No new matter has been presented.

Claims 1, 5, 8, 9, 12, 13, 16, 17, 19, 20 and 22 were rejected under 35 USC 102(e) as being anticipated by Jinbo, U.S. Patent Publication No. 2002-0054330. This rejection is overcome in part and traversed in part.

Claim 1 recites “an identifying unit for identifying a portable terminal located closest to the image forming device out of portable terminals under wirelessly communicable conditions.” Applicant respectfully submits that Jinbo fails to teach or suggest this feature.

The Examiner asserts that Jinbo teaches this feature in Fig. 8 (step S404) and at pg. 5, paragraph [0079] and Fig. 11 (step S603) and pg. 6, paragraph [0099]. However, paragraph [0079] states that the control portion 203 extracts the ID of the portable terminal 210 and the notice origin ID from the communication data sent from the wireless receiving portion 202. Extracting an ID is not the same as locating the portable terminal closest to the image forming device.

Although paragraph [0099] of Jinbo discloses switching between a normal mode, a first power-saving mode and a second power-saving mode in accordance with distance data computed by the control portion, this distance data is with respect to only a single device and there is no judgment or identification of which portable unit out of a group of units is located closest to the image forming device. Merely identifying how far one portable terminal is from the image forming device is not the same as identifying which portable terminal is closest to the image forming device. This would require an additional step beyond merely determining the distance of a particular portable terminal from the image forming device and Jinbo simply fails to teach or suggest this additional step. Accordingly, the features of claim 1 are not taught or suggested by Jinbo.

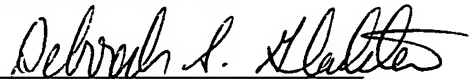
The rejection of claims 5, 8, 9, 12, 13, 16, 17, 19, 20 and 22 have been overcome by the foregoing amendments. Applicant respectfully requests that this rejection be withdrawn.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 325772027600.

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Respectfully submitted,

By 

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